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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,127	12/20/2001	Heather A. Sorebo	KCX-496(17718)	2740

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EXAMINER

ANDERSON, CATHARINE L

ART UNIT PAPER NUMBER

3761

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/029,127

Applicant(s)

SOREBO ET AL.

Examiner

C. Lynne Anderson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/20/02, 4/19/04</u> . | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 and 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Izzo (4,493,713) in view of Clayton (4,332,347).

Izzo discloses all aspects of the claimed invention with the exception of the panel having side edges sealed to the pouch sides. Izzo discloses an absorbent article package 10 holding an absorbent article 42, as shown in figure 3. The package 10 comprises a wrapper material 16 configured into a pouch 40 having front and back surfaces 26 and 32, a closed bottom 24 and sides 28 and 30, and an open top, as shown in figures 2 and 3. A panel 36 is disposed across the back surface 26, as shown in figure 2, having a top edge contiguous with the open top and a bottom edge.

Clayton discloses a pouch, as shown in figure 2, comprising a panel 27 disposed across the back surface 13, the panel 27 having a top edge 21 contiguous with the open top 29, a bottom edge 35, and side edges sealed to the pouch sides, as shown in figure 1. The panel 27 extends less than about half way down the pouch, as shown in figure 2. To seal the pouch, the panel 27 is pulled over the open top of the pouch with the panel sides remaining sealed to the pouch sides, as shown in figure 2. The panel 27

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disclosed by Clayton provides a neat appearance, and can be easily manufactured, as disclosed in column 1, lines 37-50.

It would therefore have been obvious to one of ordinary skill in the art at the time of invention to construct the pouch of Izzo with the panel closure taught by Clayton to provide a pouch with a neat appearance that can be easily manufactured.

With respect to claim 2, Clayton shows in figure 2 the panel 27 formed from the wrapper material and continuous with the pouch back surface.

With respect to claim 3, Clayton shows in figure 2 a wrapper material comprising a continuous strip of material having a first end portion folded at a first fold axis 11 and a second end portion folded at a second fold axis 21.

With respect to claim 4, Clayton discloses the sides of the front and back portions are sealed to define a pouch, as described in column 2, lines 14-16, and the sides of the panel 27 are sealed to the pouch sides.

With respect to claim 5, Clayton shows in figure 2 the panel 27 extends about one third of the way down the back surface.

With respect to claim 6, Clayton discloses the wrapper material comprises a liquid impervious film layer, as described in column 3, lines 5-7.

With respect to claim 8, the ends of the front and back surfaces of Clayton may be aligned to define the open top.

With respect to claims 9 and 10, Clayton shows in figure 2, a portion 27 of the wrapper material folded away from the open top along a fold axis 21 that is coextensive with the open top, the portion extending less than half way down the back surface.

With respect to claim 11, Clayton shows in figure 2, a pouch having a closed bottom defined by a different fold 11.

With respect to claim 12, Clayton discloses the sides of the front and back portions are sealed to define a pouch, as described in column 2, lines 14-16.

With respect to claim 13, the instant claim is drawn to an article of manufacture, and therefore the method of bonding the portion sides is a product-by-process limitation. The final structure of the article disclosed by Izzo, as modified by Clayton, fulfills all structural limitations of the claim.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Izzo (4,493,713) in view of Clayton (4,332,347) as applied to claim 1 above, and further in view of Balzar et al. (6,036,679).

Izzo, as modified by Clayton, discloses all aspects of the claimed invention with the exception of the wrapper material being a film/non-woven laminate. Balzar teaches the use of a film/non-woven laminate as the wrapper material for an absorbent article, as disclosed in column 4, lines 20-29, to provide a suitably strong yet thin wrapper material. It would therefore be obvious to one of ordinary skill in the art at the time of invention to construct the pouch of Izzo from a film/non-woven laminate, as taught by Balzar, to provide a suitably strong yet thin wrapper material.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patents 4,923,455 and 5,476,456 pertain to wrapper

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material for absorbent articles. U.S. Patents 2,842,179 and 5,222,600 pertain to pouches having panels that are pulled over an open top to form a closure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Lynne Anderson whose telephone number is (703) 306-5716. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on (703) 305-1025. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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May 10, 2004

  
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